

#6/TERM.

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)
032751-073

In re Application of: Rainer BISCHOFF et al.

Application No.: 10/021,421

Filed: December 19, 2001

For: LIPID COMPOUNDS AND COMPOSITIONS CONTAINING SAME USED FOR THE TRANSFER OF
AT LEAST AN ACTIVE SUBSTANCE, IN PARTICULAR A POLYNUCLEOTIDE INTO A TARGET
CELL AND THERAPEUTIC USE

The owner*, TRANSGENE S.A. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,335,199. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☒ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

2. ☐ The undersigned is an attorney of record.

04/17/2003 RHARNON 00000025 1001/0212003
01 FC:1614 Date: 00 00

Signature
Jean François CARMIER

Typed or printed name
Chief Executive Officer

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See M.P.E.P. § 324.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Rainer BISCHOFF et al.) Group Art Unit: 1632
Application No.: 10/021,421) Examiner: R. Schnizer
Filed: December 19, 2001) Confirmation No.: 3280
For: LIPID COMPOUNDS AND)
COMPOSITIONS CONTAINING THEM) VIA HAND-CARRY TO EXAMINER
WHICH CAN BE USED FOR THE) Group Art Unit: 1632
TRANSFER OF AT LEAST ONE)
ACTIVE SUBSTANCE, IN)
PARTICULAR A POLYNUCLEOTIDE,)
INTO A TARGET CELL AND USE IN)
GENE THERAPY)

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SUBMISSION OF TERMINAL DISCLAIMER
AND STATEMENT UNDER 37 C.F.R. § 3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached please find an executed Terminal Disclaimer and Statement Under 37 C.F.R. § 3.73(b) in connection with the application identified above.

A check for [] \$55.00 (2814) [X] \$110.00 (1814) to cover the requisite Government fee is also attached. The Commissioner is authorized to charge any fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: 

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Date: April 16, 2003

Attorney's Docket No. 032751-073

STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicant/Patent Owner: Rainer BISCHOFF et al.

Application No./Patent No.: 10/021,421

Filed/Issue Date: December 19, 2001

Entitled: LIPID COMPOUNDS AND COMPOSITIONS CONTAINING SAME USED FOR THE TRANSFER OF AT LEAST AN ACTIVE SUBSTANCE, IN PARTICULAR A POLYNUCLEOTIDE INTO A TARGET CELL AND THERAPEUTIC USE

TRANSGENE S.A.
(Name of Assignee)

a corporation

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel 010079, Frame 0563, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:

1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ Copies of assignments or other documents in the chain of title are attached.

NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the PTO. See MPEP 302-302.8)

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: 16 April, 2003

Signature

JEAN-FRANCOIS CARMIER

Typed or printed name

Chief Executive Officer

Title